



Docket No. 4505-4017US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Zawadzki, et al.

Group Art Unit: 1731

Serial No.: 10/668,779

Examiner: To Be Assigned

Filed: September 22, 2003

For: REDUCED IGNITION PROPENSITY SMOKING ARTICLE
WITH A POLYSACCHARIDE TREATED WRAPPER

CERTIFICATE OF MAILING (37 C.F.R. §1.8(A))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached:

1. Information Disclosure Statement
2. Form PTO-1449 and copies of 7 listed references
3. Return Postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 6, 2004

By: 
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INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicants make of record the information set forth below together with the related items listed on the enclosed Form PTO-1449, copies of which are also enclosed, to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the information and items and to independently ascertain their relevance.

An article published in the New York Times on January 11, 2000 reported that Philip Morris was expected to announce plans to test market Merit cigarettes using a wrapper incorporating its reduced ignition propensity technology. The article described the wrapper as including bands of "extra paper," which "reduce the amount of oxygen entering the cigarette, slowing down the rate at which it burns and the heat it generates." The article further reports that Philip Morris "planned to start test marketing Merit cigarettes using the new paper in cities including Buffalo, Denver and Hartford."

A July 11, 2000 Associated Press newswire reported as follows:

Philip Morris said earlier this year that it had developed a slower-burning paper that may lower the risk of fires started by discarded cigarettes, but wanted to gauge smoker's reaction if the cigarette goes out when put in an ashtray briefly.

The company puts two narrow bands of paper on top of regular cigarette paper and then wraps the bands and tobacco inside during the cigarette-making process. The paper bands act as "speed bumps" to slow the rate at which the cigarette burns when the lit end passes over them. Smokers don't see the bands, however.

John Nelson, senior vice president of operations at Philip Morris, said tests showed cigarettes with the paper — called PaperSelect — were less likely to ignite certain fabrics than those with regular paper, and posed no added health risk.

Thomas Garguilo, the category director for premium brands at Philip Morris, was quoted in the July 11, 2000 AP newswire as saying that "Merits with the new paper were put in select stores in Denver and Buffalo in February without any notice that the paper had been changed."

On April 26, 2000, Arthur M. Ihrig, one of the named inventors of the present application, attended an ASTM E:5:15 Subcommittee on Cigarette Ignition Propensity meeting at the Philip Morris Management and Operations Building. During the meeting, Philip Morris representatives disclosed that the wrapper used in its reduced ignition propensity cigarettes consisted of an underlying paper web having 4 to 10 mm wide circumferential bands of additional fibrous pulp material. The circumferential bands were spaced apart at 27 mm intervals as measured from the centers of successive bands. The fibrous pulp used to make the circumferential bands was the same as the fibrous pulp used to make the paper web, except that the fiber in the pulp for the circumferential bands was one tenth the length of the fiber in the pulp for the paper web. The Philip Morris representatives

stated that the additional pulp in the circumferential bands reduced the porosity of the paper web, which, in turn, reduced the burn rate of the cigarette in the banded region.

During the ASTM E:5:15 Subcommittee meeting, Philip Morris representatives also demonstrated the manufacturing process for the banded wrapper used in its reduced ignition propensity cigarette. The manufacturing process involved (1) forming a paper web on the mesh belt of a papermaking machine and (2) applying bands of finely divided paper pulp slurry onto the paper web. The bands of paper pulp were applied by an endless belt aligned at a 30 degree angle relative to the longitudinal axis of the paper web. The endless belt included openings through which the fibrous pulp was laid down on the moving paper web. The speed and orientation of the endless belt determined the width, thickness, orientation and spacing of the bands of fibrous pulp.

At the April 26, 2000 ASTM E:5:15 Subcommittee meeting, Philip Morris' manager of reduced ignition propensity cigarette products stated that the development of its reduced ignition propensity cigarette commenced in the late 1980s and culminated in the cigarette announced in the January 11, 2000 New York Times article described above. Based on the description and demonstration provided at the April 26, 2000 ASTM E:5:5 Subcommittee meeting, it was Mr. Ihrig's understanding that the construction of and manufacturing process for the wrapper used in the Philip Morris reduced ignition propensity cigarettes are described in the following United States patents assigned to Philip Morris.¹

- U.S. Patent No. 5,263,999 issued to Baldwin et al.
- U.S. Patent No. 5,332,472 issued to Cutright et al.
- U.S. Patent No. 5,342,484 issued to Cutright et al,

¹ Each of these patents has previously been disclosed to the USPTO by the applicants in parent application USSN 09/819,477. Additional Philip Morris patents pertaining to this technology are listed in the enclosed Form PTO-1449.

- U.S. Patent No. 5,360,516 issued to Cutright et al.
- U.S. Patent No. 5,474,095 issued to Allen et al.
- U.S. Patent No. 5,450,863 issued to Collins et al.
- U.S. Patent No. 5,534,114 issued to Cutright et al.
- U.S. Patent No. 5,997,691 issued to Gautam et al.

In or about May of 2000, applicants acquired the following packing styles of Merits test market cigarettes from the Buffalo area and Denver area.

<u>Buffalo Test Market Cigarettes</u>	<u>Denver Test Market Cigarettes</u>
Merit Ultima 85 mm soft pack	Merit Lights Menthol 100 mm soft pack
Merit Ultima 100 mm soft pack	Merit Ultra Lights Menthol 100 mm soft pack
Merit Ultima 85 mm hard pack	Merit Ultima 100 mm soft pack
Merit Ultima 100 mm hard pack	Merit Ultima 85 mm hard pack

These Merit test market cigarettes included paper wrappers having circumferential bands of extra paper layered on the base paper. The bands were approximately 6 mm wide and spaced apart at 25 mm intervals. Each of the 85 mm cigarettes had two bands and some of the 100 mm length cigarettes had a third band. The paper bands were not registered with respect to the ignition end of the tobacco column. In other words, the distance between the ignition end and the closest band varied from cigarette to cigarette.

No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits.

• The Commissioner is hereby authorized to charge any fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4505-4017US1 A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

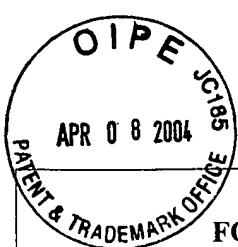


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FORM PTO-1449

INFORMATION DISCLOSURE CITATION

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U.S. PATENT DOCUMENTS

Examiner Initial		Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
		5,143,098	9/1/92	Rogers et al.			
		5,191,906	3/9/93	Myracle, Jr.			
		5,417,228	5/23/95	Baldwin et al.			
		5,966,218	10/12/99	Bokelman et al.			
		6,020,969	2/1/00	Struckhoff et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initial		Patent Number	Publication Date	Country	Class	Sub-Class	Translation
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

	Meier, B., Philip Morris Says It Has A Safer Paper - Trying To Cut Risk Of Cigarette Fires, The New York Times: Page 20, Column 1, January 11, 2000.
	Wollenberg, S, Philip Morris To Use New Paper, AP Online, July 11, 2000.

Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.

Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to Applicant.